UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

ANTONIO J. BEASLEY, Sr.,)	
)	
Petitioner,)	
)	
v.)	Nos.: 1:03-cr-106-CLC-WBC
)	1:08-cv-115-RAE
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Petitioner Antonio J. Beasley, Sr., has filed a fourth motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Court File No. 262). Petitioner Beasley was convicted of two counts of interfering with commerce by threat of violence, in violation of the Hobbs Act, and possessing a firearm in relation to a crime of violence. Petitioner received, for these offenses, a 231-month sentence of imprisonment.

Petitioner previously filed three § 2255 motions in this Court attacking the same convictions (Court File Nos. 98, 231 and 241). The first motion to vacate was denied and the United States Court of Appeals for the Sixth Circuit denied Petitioner a certificate of appealability (Court File Nos. 182 and 206). Petitioner's second and third motions to vacate were transferred to the Sixth Circuit, which declined him authorizations to file second or successive § 2255 motions (Court File Nos. 235, 239, 244, and 256).

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¹ Each document is identified by the court file number assigned to it in the underlying criminal case.

In accordance with the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), effective April 24, 1996, Petitioner cannot file a second or successive § 2255 motion in the district court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the district court to consider the petition. 28 U.S.C. § 2255(h) (referencing 28 U.S.C. § 2244). This Court has not received an order from the Sixth Circuit authorizing the

Accordingly, the Clerk is **DIRECTED** to transfer this action to the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997).

ENTER:

Court to consider the pending motion.

/s/

CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE